

Representative Hall, Atlanta, Georgia**Tuesday, January 24, 2006**

The House met pursuant to adjournment at 10:00 o'clock, A.M., this day and was called to order by the Speaker.

The roll was called and the following Representatives answered to their names:

Abdul-Salaam	Crawford	Hembree	May	E Sailor
Amerson	Cummings	E Henson	E McClinton	Scheid
Ashe	Davis	Holt	Meadows	Scott, A
Barnard	Dickson	Horne	Millar	Scott, M
Bearden	Dodson	Howard, E	Mills	Setzler
Benton	Drenner	Hugley	E Mitchell	Sheldon
Black	Dukes	James	Morris	Sims, F
Bridges	Ehrhart	Jamieson	Mosley	Smith, L
Brooks	England	Jenkins	Murphy, J	Smith, P
Brown	Everson	Johnson	Murphy, Q	Smith, R
Bryant	Fleming	Jones, J	Neal	Smith, T
Buckner, D	E Floyd, J	Jones, S	O'Neal	Smith, V
Buckner, G	Fludd	Jordan	Parham	Smyre
Burkhalter	Forster	Keen	Parsons	E Stanley-Turner
Burmeister	Franklin	Keown	Porter	Stephens
Burns	Freeman	Kidd	Ralston	Talton
Byrd	Geisinger	Lakly	Randall	Teilhet
Carter	Graves, D	Lane, R	Reece, B	Thomas, A.M
Casas	Graves, T	Lewis	E Reece, S	Thomas, B
Chambers	Greene	Lindsey	Reese	Tumlin
Cheokas	Hanner	Lord	Rice	Walker
Cole	Harbin	Lunsford	E Roberts	Warren
Coleman, B	Hatfield	Maddox	Rogers	Wilkinson
Cooper	Heard, J	Manning	Royal	Williams, E
Cox	Heard, K	Maxwell	Rynders	Richardson,
				Speaker

The following members were off the floor of the House when the roll was called:

Representatives Anderson of the 123rd, Barnes of the 78th, Beasley-Teague of the 65th, Bordeaux of the 162nd, Borders of the 175th, Bruce of the 64th, Butler of the 18th, Channell of the 116th, Coleman of the 144th, Day of the 163rd, Dean of the 59th, Dollar of the 45th, Epps of the 128th, Floyd of the 99th, Gardner of the 57th, Golick of the 34th, Heckstall of the 62nd, Hill of the 21st, Hill of the 180th, Holmes of the 61st, Houston of the 170th, Hudson of the 124th, Jackson of the 161st, Jennings of the 82nd, Knight of the 126th, Knox of the 24th, Lane of the 158th, Loudermilk of the 14th, Lucas of the 139th, Mangham of the 94th, Marin of the 96th, Martin of the 47th, McCall of the 30th, Morgan of the 39th, Mosby of the 90th, Mumford of the 95th, Orrock of the 58th, Parrish of the 156th, Powell of the 29th, Ray of the 136th, Shaw of the 176th, Sims of the 169th,

Sinkfield of the 60th, Smith of the 113th, Willard of the 49th, Williams of the 165th, Wix of the 33rd, and Yates of the 73rd.

They wish to be recorded as present.

Prayer was offered by the Reverend Ben Martin, Springfield United Methodist Church, Springfield, Georgia.

The members pledged allegiance to the flag.

Representative Heard of the 104th, Chairman of the Committee on Information and Audits, reported that the Journal of the previous legislative day had been read and found to be correct.

By unanimous consent, the reading of the Journal was dispensed with.

The Journal was confirmed.

By unanimous consent, the following was established as the order of business during the first part of the period of unanimous consents:

1. Introduction of Bills and Resolutions.
2. First reading and reference of House Bills and Resolutions.
3. Second reading of Bills and Resolutions.
4. Reports of Standing Committees.
5. Third reading and passage of Local uncontested Bills.
6. First reading and reference of Senate Bills and Resolutions.

By unanimous consent, the following Bills and Resolutions of the House were introduced, read the first time and referred to the Committees:

HB 968. By Representatives Heard of the 104th, Ehrhart of the 36th, Ralston of the 7th and Fleming of the 117th:

A BILL to be entitled an Act to amend Article 3 of Chapter 5 of Title 16 of the Official Code of Georgia Annotated, relating to kidnapping, false imprisonment, and related criminal offenses, so as to change provisions relating to the crimes of interference with custody and interstate interference

with custody; to redefine the elements of such offenses and add circumstances constituting such offenses, including but not limited to interference with custody where there has been no custody order and interference with visitation rights; to require certain reimbursement by certain offenders; to provide that a law enforcement agency which does not report to the state a missing person report made to it may be subject to a civil penalty; to provide for other related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

HB 1074. By Representatives Jamieson of the 28th, Ray of the 136th, Buckner of the 130th, Reece of the 11th and Kidd of the 115th:

A BILL to be entitled an Act to amend Part 1 of Article 2 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to tax exemptions, so as to allow the state-wide homestead exemption for unremarried surviving spouses of United States service members killed in action to be received on a subsequent homestead; to provide for applicability; to provide for a referendum; to provide for automatic repeal under certain circumstances; to provide for effective dates; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

HB 1075. By Representative Parham of the 141st:

A BILL to be entitled an Act to amend Code Section 43-47-8 of the Official Code of Georgia Annotated, relating to license applications filed with the State Board of Registration of Used Motor Vehicle Dealers and Used Motor Vehicle Parts Dealers, so as to increase the amount of the bond for used motor vehicle dealers; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Motor Vehicles.

HB 1076. By Representatives Jamieson of the 28th, Ray of the 136th, Buckner of the 130th, Reece of the 11th and Kidd of the 115th:

A BILL to be entitled an Act to amend Part 1 of Article 2 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to tax exemptions, so as to allow the state-wide homestead exemption for disabled veterans to be received by unremarried surviving spouses on a subsequent

homestead; to provide for applicability; to provide for a referendum; to provide for automatic repeal under certain circumstances; to provide for effective dates; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

HB 1077. By Representative Jenkins of the 8th:

A BILL to be entitled an Act to provide that future elections for the office of probate judge of Rabun County shall be nonpartisan elections; to provide for submission of this Act under the federal Voting Rights Act of 1965, as amended; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

HB 1078. By Representative Greene of the 149th:

A BILL to be entitled an Act to create the Randolph County Water and Sewer Authority and provide for its activation; to provide for a short title; to provide for definitions; to provide for the purposes, powers, duties, and functions of the authority and authorize certain contracts and agreements; to provide for the membership and appointment of members of the authority and their terms of office, qualifications, duties, powers, methods of filling vacancies, compensation, and expenses; to provide for organization, meetings, and quorum of the authority; to provide for an attorney of the authority; to provide for an audit and budgets; to authorize the authority to contract with others regarding its functions, to contract with others pertaining to the use of the utilities and facilities of the authority, and to execute leases and do all things necessary or convenient for the operation of such undertakings or projects; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

HB 1079. By Representative Greene of the 149th:

A BILL to be entitled an Act to provide a board of elections for Randolph County; to define its powers and duties concerning primaries and elections; to define certain terms; to provide a method for appointment, resignation, and removal of its members; to provide for the qualifications and terms of its members; to provide for a chairperson, clerical assistants, and other employees; to provide for compensation of such persons and the members of the board; to provide for facilities; to relieve the judge of the probate court

from certain responsibilities; to provide for submission under the federal Voting Rights Act of 1965, as amended; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

HB 1080. By Representatives Golick of the 34th, Roberts of the 154th, Geisinger of the 48th, Freeman of the 140th, Chambers of the 81st and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to the imposition, rate, and computation of income tax, so as to provide for an income tax credit with respect to qualified child and dependent care expenses; to provide for conditions and limitations; to provide for powers, duties, and authority of the state revenue commissioner with respect to the foregoing; to provide an effective date; to provide for applicability; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

HB 1081. By Representatives Lucas of the 139th, Randall of the 138th, Graves of the 137th, Ray of the 136th, Freeman of the 140th and others:

A BILL to be entitled an Act to amend Article 5 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to uniform property tax administration and equalization, so as to provide that a member of the county board of tax assessors shall not be authorized to serve simultaneously as a member of the county appraisal staff or chief appraiser; to change the qualifications of appraisers; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

HB 1082. By Representatives Tumlin of the 38th, Keown of the 173rd and Freeman of the 140th:

A BILL to be entitled an Act to amend Subpart 2 of Part 6 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to conditions of employment for personnel in local school systems, so as to change certain provisions relating to a duty-free lunch period for teachers; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Education.

- HB 1083. By Representatives Harbin of the 118th, Burmeister of the 119th and Fleming of the 117th:

A BILL to be entitled an Act to amend Chapter 15 of Title 20 of the Official Code of Georgia Annotated, relating to the Georgia Medical Center Authority, so as to change the definition of projects of the authority; to change certain purposes of the authority and to provide for additional purposes; to provide for an exemption from certain sales and use taxation; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

- HB 1084. By Representative Tumlin of the 38th:

A BILL to be entitled an Act to amend Article 2 of Chapter 74 of Title 36 of the Official Code of Georgia Annotated, relating to local government code enforcement boards created on or after January 1, 2003, so as to eliminate the prohibition on local governments from requiring the registration of residential rental property; to provide that probable cause shall be determined by a court of competent jurisdiction; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

- HB 1085. By Representative Lane of the 158th, Day of the 163rd, Hill of the 180th, Williams of the 165th and Lane of the 167th:

A BILL to be entitled an Act to amend Code Section 27-4-130.1 of the Official Code of Georgia Annotated, relating to open seasons, creel and possession limits, and minimum size limits for certain finfish species, so as to change certain provisions relating to tripletail fish; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Game, Fish, & Parks.

- HB 1086. By Representatives Burkhalter of the 50th, Stephens of the 164th, Ashe of the 56th, Graves of the 12th and Benfield of the 85th:

A BILL to be entitled an Act to amend Article 2 of Chapter 12 of Title 50 of the O.C.G.A., relating to the Georgia Council for the Arts, so as to provide for legislative intent; to create the Georgia Arts Trust; to provide for the membership, appointment, terms, filling of vacancies, duties, and responsibilities of the board of trustees of the Georgia Arts Trust; to provide

for the creation, appointment, terms, filling of vacancies, duties, and responsibilities of the Georgia Arts Trust Advisory Committee; to provide for certain reports and audits; to amend Article 2 of Chapter 7 of Title 48 of the O.C.G.A., relating to imposition, rate, and computation of income taxes, so as to provide a tax credit for certain donations to the Georgia Arts Trust and certain qualifying arts organizations; to provide for related matters; to provide for applicability; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

HB 1087. By Representatives Mosley of the 178th, Lane of the 167th and Smith of the 168th:

A BILL to be entitled an Act to increase the number of directors on the board of the Wayne County Industrial Development Authority established by Ga. L. 1964, p. 1002 (Res. Act No. 167; S.R. 147) and carried forward as part of the Constitution of the State of Georgia by Ga. L. 1987, p. 3805 (Act No. 141; HB 940), from seven to nine, pursuant to the power granted to the General Assembly by paragraph N. in Ga. L. 1964, p. 1002 (Res. Act No. 167; S.R. 147); to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

HB 1088. By Representatives Heard of the 104th and Dollar of the 45th:

A BILL to be entitled an Act to amend Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to prestige license plates and special plates for certain persons and vehicles, so as to provide for special license plates promoting the Thanks Mom and Dad Fund and related activities; to provide for issuance, renewal, fees, licensing agreements, applications, transfers, and disposition of funds relative to such license plates; to provide for related matters; to provide for a contingent effective date; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Motor Vehicles.

HB 1089. By Representatives Jackson of the 161st, Heard of the 114th and Mangham of the 94th:

A BILL to be entitled an Act to amend Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to prestige license plates and special plates for certain persons and vehicles, so as to provide for a

special license plate honoring Kappa Alpha Psi Fraternity, Inc.; to provide for issuance, renewal, fees, licensing agreements, applications, and transfers relative to such special license plates; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Motor Vehicles.

HB 1090. By Representatives Harbin of the 118th, Fleming of the 117th, Burmeister of the 119th and Rogers of the 26th:

A BILL to be entitled an Act to amend Chapter 10 of Title 13 of the O.C.G.A., relating to contracts for public works, and Article 4 of Chapter 2 of Title 32 of the Official Code of Georgia Annotated, relating to exercise of power to contract by the Department of Transportation generally, so as to provide that a contractor that is more than 30 days behind in the performance of a state public works construction contract or a construction or maintenance contract with the Department of Transportation due to the fault of such contractor shall not be eligible to bid on any additional state public works construction contracts or Department of Transportation construction or maintenance contracts until such time as the performance of such contract is brought current or is completed; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Transportation.

HB 1091. By Representatives Walker of the 107th, Sheldon of the 105th, Lewis of the 15th and May of the 111th:

A BILL to be entitled an Act to amend Chapter 1 of Title 22 of the Official Code of Georgia Annotated, relating to general provisions relative to eminent domain, so as to provide that the state, any political subdivision of the state, and any public authority shall not give, loan, swap, rent, lease, or transfer an interest in real property acquired through exercise of the right of eminent domain to a private entity before granting the condemnee a right of first refusal; to provide for a penalty; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

HB 1092. By Representatives Manning of the 32nd, Stephens of the 164th, Cooper of the 41st, Brown of the 69th, Buckner of the 130th and others:

A BILL to be entitled an Act to amend Chapter 2 of Title 31 of the Official Code of Georgia Annotated, relating to the Department of Human Resources, so as to provide for legislative findings; to provide for the creation of the Suicide Prevention Program; to provide for the duties and powers related to the program; to provide for staff for the program; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Health & Human Services.

HB 1093. By Representatives Everson of the 106th, Floyd of the 99th, Heard of the 104th, Cox of the 102nd, Coan of the 101st and others:

A BILL to be entitled an Act to amend Title 17 of the O.C.G.A., relating to criminal procedure, so as to provide that arresting officers in certain cases may issue a nontraffic misdemeanor citation and release the person arrested on his or her recognizance; to provide for the development, form, contents, and use of a nontraffic misdemeanor citation form; to authorize the use of such citation for the purposes of prosecuting such offense as the summons and accusation; to provide that a person cited shall submit to post-arrest processing as required by law; to amend Code Section 16-10-51 of the O.C.G.A., relating to bail jumping, so as to include individuals who were released on their own recognizance pursuant to the issuance of a nontraffic misdemeanor citation; to provide for other related matters; to provide for effective dates and applicability; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

HR 1109. By Representative Jamieson of the 28th:

A RESOLUTION honoring the life and lifetime achievements of the late Governor Samuel Ernest Vandiver, Jr., and dedicating the Samuel Ernest Vandiver, Jr., Interchange; and for other purposes.

Referred to the Committee on Transportation.

HR 1110. By Representative Smith of the 129th:

A RESOLUTION dedicating the Champion Crossroads; and for other purposes.

Referred to the Committee on Transportation.

HR 1111. By Representatives Jamieson of the 28th, Ray of the 136th, Buckner of the 130th, Reece of the 11th and Kidd of the 115th:

A RESOLUTION proposing an amendment to the Constitution so as to provide for the imposition of a sales and use tax for educational maintenance and operation purposes of public schools with an equivalent millage rate reduction; to provide for procedures, conditions, and limitations; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

Referred to the Committee on Ways & Means.

HR 1112. By Representatives Jamieson of the 28th, Ray of the 136th, Buckner of the 130th, Reece of the 11th and Kidd of the 115th:

A RESOLUTION proposing an amendment to the Constitution so as to limit the power to take private property for public purposes to only the state, counties, municipalities, consolidated governments, and public utilities and only for designated public purposes which do not include transferring condemned land to private entities for purposes of economic development and increasing the tax revenues of a government; to provide for related matters; to provide for submission of this amendment for ratification or rejection; and for other purposes.

Referred to the Committee on Judiciary.

HR 1113. By Representative Ashe of the 56th:

A RESOLUTION creating the Joint Study Committee on the Feasibility of a Children and Youth Cabinet; and for other purposes.

Referred to the Committee on Children & Youth.

By unanimous consent, the rules were suspended in order that the following Bills of the House could be introduced, read the first time and referred to the Committees:

HB 1107. By Representatives Roberts of the 154th, Golick of the 34th, Smith of the 129th, Maddox of the 172nd, Smith of the 70th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to the imposition, rate, and computation of income tax, so as to provide for income tax credits with respect to qualified donations of real property for conservation purposes; to

provide for definitions; to provide for conditions, limitations, and exclusions; to provide for authority of the state revenue commissioner and the Department of Natural Resources with respect to the foregoing; to provide an effective date; to provide for applicability; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

HB 1108. By Representatives Lucas of the 139th, Porter of the 143rd, Smyre of the 132nd, Hugley of the 133rd, Watson of the 91st and others:

A BILL to be entitled an Act to amend Article 5 of Chapter 4 of Title 46 of the Official Code of Georgia Annotated, known as the "Natural Gas Competition and Deregulation Act," so as to require the Public Service Commission to declare an emergency and regulate the delivery of natural gas to retail customers in this state; to provide for the applicability of certain laws with respect to the Public Service Commission's regulation of the delivery of natural gas to retail customers in this state; to authorize the Public Service Commission to promulgate and adopt rules and regulations; to authorize the merger of an electing distribution company and its affiliate marketer; to provide that nothing in this Act shall be construed to impair the obligation of any contract; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Public Utilities & Telecommunications.

By unanimous consent, the following Bills and Resolutions of the House were read the second time:

HB 1053	HB 1065
HB 1054	HB 1066
HB 1055	HB 1067
HB 1056	HB 1068
HB 1057	HB 1069
HB 1058	HB 1070
HB 1059	HB 1071
HB 1061	HB 1072
HB 1062	HB 1073
HB 1063	HR 1094
HB 1064	HR 1108

Representative McCall of the 30th District, Chairman of the Committee on Agriculture and Consumer Affairs, submitted the following report:

Mr. Speaker:

Your Committee on Agriculture and Consumer Affairs has had under consideration the following Bill of the House and has instructed me to report the same back to the House with the following recommendation:

HB 999 Do Pass

Respectfully submitted,
/s/ McCall of the 30th
Chairman

Representative Ralston of the 7th District, Chairman of the Committee on Judiciary Non-Civil, submitted the following report:

Mr. Speaker:

Your Committee on Judiciary Non-Civil has had under consideration the following Bills of the House and has instructed me to report the same back to the House with the following recommendations:

HB 591	Do Pass	HB 719	Do Pass
HB 594	Do Pass, by Substitute	HB 954	Do Pass, by Substitute
HB 718	Do Pass, by Substitute		

Respectfully submitted,
/s/ Ralston of the 7th
Chairman

The following Resolution of the House, referred to the House Rules Subcommittee on Invites, was reported by the Committee on Rules with the following recommendation:

HR 1106 Do Pass

Representative Hill of the 21st District, Chairman of the Committee on Special Rules, submitted the following report:

Mr. Speaker:

Your Committee on Special Rules has had under consideration the following Bills of the House and has instructed me to report the same back to the House with the following recommendations:

HB 941 Do Pass
HB 950 Do Pass, by Substitute

Respectfully submitted,
/s/ Hill of the 21st
Chairman

Representative Smith of the 168th District, Chairman of the Committee on State Planning and Community Affairs, submitted the following report:

Mr. Speaker:

Your Committee on State Planning and Community Affairs - Local Legislation has had under consideration the following Bills of the House and has instructed me to report the same back to the House with the following recommendations:

HB 901 Do Pass, by Substitute
HB 902 Do Pass, by Substitute
HB 1003 Do Pass

Respectfully submitted,
/s/ Smith of the 168th
Chairman

The following report of the Committee on Rules was read and adopted:

HOUSE RULES CALENDAR
TUESDAY, JANUARY 24, 2006

Mr. Speaker and Members of the House:

The Committee on Rules has fixed the calendar for this 7th Legislative Day as enumerated below:

DEBATE CALENDAR

Open Rule

HB 804 Barratry; Code section; repeal
HB 973 Speed detection device; law enforcement officers; change provisions

Modified Open Rule

None

Modified Structured Rule

None

Structured Rule

None

Bills and Resolutions on this calendar may be called in any order the Speaker desires.

Respectfully submitted,
/s/ Ehrhart of the 36th
Chairman

By unanimous consent, the following Bills of the House were taken up for consideration and read the third time:

HB 901. By Representative Stephens of the 164th:

A BILL to be entitled an Act to provide for a surcharge on fines in the State Court of Bryan County and the Magistrate Court of Bryan County; to provide for use of such sums for the purpose of local juvenile diversion programs; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To provide for a surcharge on fines in the State Court of Bryan County and the Magistrate Court of Bryan County; to provide for use of such sums for the purpose of local juvenile diversion programs; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

(a) In every case in which the State Court of Bryan County and the Magistrate Court of Bryan County shall impose a fine, which shall be construed to include costs, for any criminal offense or any criminal ordinance violation, there shall be imposed as an additional penalty a sum equal to 10 percent of the original fine.

(b) Such sums shall be in addition to any amount required by Code Section 47-17-60 of the O.C.G.A. to be paid into the Peace Officers' Annuity and Benefit Fund and in addition to any other amounts provided for by general law.

SECTION 2.

(a) The sums provided for in Section 1 of this Act shall be assessed and collected by the court officer charged with the duty of collecting moneys arising from fines and shall be paid over to the juvenile court of Bryan County for the purpose of establishing and maintaining a local juvenile diversion program carried out by the juvenile court or by a program approved by the juvenile court. The purpose of a local juvenile diversion program is to reduce the number of juveniles proceeding through juvenile court and reduce recidivism by creating alternatives to the court system which may include intensive case management, referrals for other services, tracking and improving school attendance, increasing services and support for juveniles and their families through partnerships with private and public agencies, or providing mentoring or other activities for juveniles. The funds shall be paid over in the same manner as other county funds paid for operations of the juvenile court and shall be in addition to rather than in lieu of any other such funds. These funds shall be paid to the respective juvenile courts by the last day of the month following the month in which the funds are received; provided, however, that the governing authority of the county shall be authorized to hold as reserve funds an amount not to exceed 5 percent of the funds received by the governing authority in the preceding calendar year.

(b) This article shall not preclude the appropriation or expenditure of other funds by the governing authority of the county for the purpose of juvenile diversion programs.

SECTION 3.

This Act shall become effective on July 1, 2006, and shall apply to criminal offenses alleged to have occurred on or after July 1, 2006.

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

HB 902. By Representative Stephens of the 164th:

A BILL to be entitled an Act to amend an Act creating the State Court of Bryan County (formerly the City Court of Pembroke), approved January 10, 1938 (Ga. L. 1937-38 Ex. Sess., p. 714), as amended, so as to authorize the court to impose an additional surcharge for each criminal fine imposed; to specify the uses to which said surcharge may be put; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To amend an Act creating the State Court of Bryan County (formerly the City Court of Pembroke), approved January 10, 1938 (Ga. L. 1937-38 Ex. Sess., p. 714), as amended, so as to authorize the court to impose an additional surcharge for each criminal fine imposed; to specify the uses to which said surcharge may be put; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act creating the State Court of Bryan County (formerly the City Court of Pembroke), approved January 10, 1938 (Ga. L. 1937-38 Ex. Sess., p. 714), as amended, is amended by designating the current provisions of Section 9 as subsection (a) thereof and adding a new subsection (b) to read as follows:

"(b) The clerk of the State Court of Bryan County shall be entitled to charge and collect a juvenile diversion program surcharge equal to 10 percent of each criminal fine imposed in each citation or accusation for which a defendant is found guilty or enters a plea of guilty, nolo contendere, or other plea resulting in the imposition of a fine in the State Court of Bryan County. The moneys collected as a result of the juvenile diversion program surcharge shall be used exclusively to provide for creating, implementing, and staffing a juvenile diversion program for Bryan County. The funds collected pursuant to this authorization shall be maintained in a segregated fund by the clerk of court and shall be used only for the purposes authorized in this subsection at the direction of the judge of the court."

SECTION 2.

This Act shall become effective on July 1, 2006.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

HB 1003. By Representatives Talton of the 145th, O'Neal of the 146th, Floyd of the 147th and Ray of the 136th:

A BILL to be entitled an Act to amend an Act entitled "An Act to make provisions for the Magistrate Court of Houston County," approved March 1, 1984 (Ga. L. 1984, p. 3652), as amended, so as to provide for the election of the chief magistrate and magistrates; to provide for procedures; to provide for the filling of vacancies; to provide for the submission of this Act to the

United States Department of Justice; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

By unanimous consent, the following roll call vote was made applicable to the previously read Bills.

On the passage of the Bills, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Hill, C.A	Y Martin	E Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Scheid
Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Ashe	Y Day	Y Horne	McCall	Y Scott, M
Y Barnard	Dean	Y Houston	E McClinton	Y Setzler
Barnes	Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	Y Millar	Y Sheldon
Beasley-Teague	Dollar	Y Hugley	E Mills	Y Sims, C
Benfield	Drenner	Y Jackson	E Mitchell	Y Sims, F
Benton	Y Dukes	Y Jacobs	Y Morgan	Y Sinkfield
Y Black	Y Ehrhart	James	Y Morris	Smith, B
Bordeaux	Y England	Y Jamieson	Mosby	Smith, L
Borders	Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	E Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Y Fludd	Y Jordan	Y Oliver	E Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Burns	Y Geisinger	Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Lane, B	Y Powell	Y Tumlin
Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Hanner	Y Lindsey	Y Ray	Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Y Lucas	Y Reese	Williams, A
Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Heckstall	Y Maddox	Y Roberts	Y Williams, R
Coleman, T	Y Hembree	Y Mangham	Y Rogers	Wix
Cooper	Y Henson	Y Manning	Y Royal	Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson,
				Speaker

On the passage of the Bills, the ayes were 137, nays 0.

The Bills, having received the requisite constitutional majority, were passed.

Representatives Beasley-Teague of the 65th, Carter of the 159th, Knox of the 24th and Lane of the 158th stated that they had been called from the floor of the House during the preceding roll call. They wished to be recorded as voting "aye" thereon.

The following message was received from the Senate through Mr. Eldridge, the Secretary thereof:

Mr. Speaker:

The Senate has passed by the requisite constitutional majority the following bills of the Senate and House:

SB 399. By Senators Shafer of the 48th, Zamarripa of the 36th, Moody of the 56th, Reed of the 35th and Hill of the 32nd:

A BILL to be entitled an Act to amend Code Section 36-31-12 of the Official Code of Georgia Annotated, relating to special services districts divided into noncontiguous areas, so as to provide that a noncontiguous area within three miles of another noncontiguous area may be treated as the same noncontiguous area; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 970. By Representatives Roberts of the 154th, Burkhalter of the 50th, O'Neal of the 146th, Golick of the 34th and Smith of the 129th:

A BILL to be entitled an Act to amend Title 48 of the O.C.G.A., relating to revenue and taxation, so as to provide for a partial exemption for a limited period of time with respect to state sales and use taxes applicable to the liquid propane gas commodity sold and delivered primarily for residential heating purposes and to charges for the natural gas commodity billed for residential use; to provide for legislative findings and intent; to provide for procedures, conditions, and limitations; to provide for powers, duties, and authority of the administrator of Part 2 of Article 15 of Chapter 10 of Title 10 of the O.C.G.A., the "Fair Business Practices Act," as amended; to provide for powers, duties, and authority of the state revenue commissioner with respect to the foregoing; to ratify an executive order of the Governor suspending the collection of such taxes; to provide an effective date; to repeal conflicting laws; and for other purposes.

The Senate has adopted by the requisite constitutional majority the following resolution of the House:

HR 1107. By Representative Keen of the 179th:

A RESOLUTION calling a joint session of the House of Representatives and the Senate for the purpose of hearing a message from the Chief Justice of the Supreme Court; and for other purposes.

By unanimous consent, the following Bill of the Senate was read the first time and referred to the Committee:

SB 399. By Senators Shafer of the 48th, Zamarripa of the 36th, Moody of the 56th, Reed of the 35th and Hill of the 32nd:

A BILL to be entitled an Act to amend Code Section 36-31-12 of the Official Code of Georgia Annotated, relating to special services districts divided into noncontiguous areas, so as to provide that a noncontiguous area within three miles of another noncontiguous area may be treated as the same noncontiguous area; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Governmental Affairs.

The following members were recognized during the period of Morning Orders and addressed the House:

Jones of the 44th and Neal of the 1st.

The following Resolution of the House, favorably reported by the Committee on Rules, was read and adopted:

HR 1106. By Representative Ray of the 136th:

A RESOLUTION commending the Georgia Peach Festival and inviting the 2005 Georgia Peach Queens to appear before the House of Representatives; and for other purposes.

The following Resolutions of the House were read and referred to the Committee on Rules:

HR 1122. By Representatives Lucas of the 139th, Coleman of the 144th, Randall of the 138th, Channell of the 116th and Cole of the 125th, and others:

Commending Dr. R. Kirby Godsey, President and CEO of Mercer University, and inviting him to appear before the House of Representatives; and for other purposes.

HR 1123. By Representatives Reece of the 11th, Coleman of the 97th, Smith of the 13th, Cummings of the 16th and Loudermilk of the 14th:

A RESOLUTION commending Coosa High School for winning the Governor's Office of School Achievement 2005 Gold Award and inviting students, teachers, and administrators of the school to appear before the House of Representatives; and for other purposes.

The Speaker Pro Tem assumed the Chair.

Under the general order of business, established by the Committee on Rules, the following Bills of the House were taken up for consideration and read the third time:

HB 973. By Representatives Willard of the 49th, Lindsey of the 54th, Jones of the 46th, Buckner of the 130th and Day of the 163rd:

A BILL to be entitled an Act to amend Article 2 of Chapter 14 of Title 40 of the Official Code of Georgia Annotated, relating to use of speed detection devices for traffic enforcement purposes, so as to change provisions relating to prohibited use of speed detection devices by county and municipal law enforcement officers in certain places and certain circumstances; to provide that such officers may use such devices under certain additional circumstances; to provide for related matters; to provide an effective date and applicability; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	E Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
Y Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	E McClinton	Y Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	Y Millar	Y Sheldon
Y Beasley-Teague	Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Y Drenner	Y Jackson	E Mitchell	Y Sims, F
Benton	Y Dukes	Y Jacobs	Y Morgan	Y Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
Bordeaux	Y England	Y Jamieson	Mosby	Y Smith, L

Y Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	E Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Y Fludd	Y Jordan	Y Oliver	E Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Burns	Y Geisinger	Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	N Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Lane, B	Powell	Tumlin
Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Y Cooper	Y Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, the ayes were 160, nays 1.

The Bill, having received the requisite constitutional majority, was passed.

Representative Benton of the 31st, Knox of the 24th and Lane of the 158th stated that they had been called from the floor of the House during the preceding roll call. They wished to be recorded as voting "aye" thereon.

HB 804. By Representatives Ralston of the 7th and Willard of the 49th:

A BILL to be entitled an Act to amend Code Section 16-10-95 of the Official Code of Georgia Annotated, relating to barratry, so as to repeal said Code section; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To amend Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, so as to repeal the offense of barratry; to correct cross-references; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is amended by striking Code Section 16-10-95, relating to barratry, and inserting in lieu thereof the following:

"16-10-95.

~~(a) A person commits the offense of barratry when he knowingly and willfully commits any of the following acts:~~

~~(1) Excites and stirs up groundless actions in the courts or quarrels in administrative proceedings;~~

~~(2) Institutes or causes to be instituted a legal proceeding without obtaining proper authorization; or~~

~~(3) Solicits or encourages the institution of a judicial or administrative proceeding or offers assistance therein before being consulted by a complainant in relation thereto.~~

~~(b) A person convicted of the offense of barratry shall be punished by a fine of not more than \$5,000.00 or by imprisonment for not less than one nor more than five years, or both.~~

Reserved."

SECTION 2.

Said title is further amended by striking division (9)(A)(xv) of Code Section 16-14-3, relating to definitions relative to the "Georgia RICO (Racketeer Influenced and Corrupt Organizations) Act," and inserting in lieu thereof the following:

"(xv) Article 4 of Chapter 10 of this title and Code Sections 16-10-20, 16-10-23, and 16-10-91, ~~and 16-10-95~~, relating to perjury and other falsifications;"

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	E Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
Y Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	E Scott, M
Y Barnard	Y Dean	Y Houston	E McClinton	Y Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	Y Millar	Y Sheldon
Y Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Y Drenner	Y Jackson	E Mitchell	Y Sims, F
Benton	Y Dukes	Y Jacobs	Morgan	Y Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
Bordeaux	Y England	Y Jamieson	Mosby	Y Smith, L

Y Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	E Floyd, J	Y Jones, S	Neal	Y Smyre
Y Bryant	Y Fludd	Y Jordan	Y Oliver	E Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Burns	Y Geisinger	Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Lane, B	Y Powell	Tumlin
Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Y Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Y Cooper	Y Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 161, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

Representative Benton of the 31st, Knox of the 24th, Lane of the 158th and Powell of the 29th stated that they had been called from the floor of the House during the preceding roll call. They wished to be recorded as voting "aye" thereon.

The following Bills of the House, having been postponed from the previous legislative day, were taken up for consideration and read the third time:

HB 749. By Representative Cummings of the 16th:

A BILL to be entitled an Act to amend Chapter 7 of Title 47 of the Official Code of Georgia Annotated, relating to the Georgia Firefighters' Pension Fund, so as to provide for creditable service in the fund for certain active military duty; to provide for the calculation of creditable service on a monthly basis; to provide conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To amend Title 47 of the Official Code of Georgia Annotated, relating to retirement and pensions, so as to provide for the merger of the Georgia Firefighters' Pension Fund and the Georgia Class Nine Fire Department Pension Fund; to define a certain term; to provide for a transfer of membership and assets; to repeal Chapter 7A, relating to the Georgia Class Nine Fire Department Pension Fund; to provide conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 47 of the Official Code of Georgia Annotated, relating to retirement and pensions, is amended by striking in its entirety paragraph (3) of Code Section 47-7-1, relating to definitions, and inserting in lieu thereof the following:

"(3) 'Firefighter' means a person who is a:

(A) A full-time employee of a fire department who in the course of full-time employment by and within a department either:

~~(A)~~ (i) Is a candidate for or holds a current firefighter's certificate issued under Article 1 of Chapter 4 of Title 25 and has as incident to his or her position of employment the principal duty of, and actually performs the function of, preventing and suppressing fires; or

~~(B)~~ (ii) Has as incident to the position of employment the principal responsibility to perform, and actually performs, support functions for fire prevention and fire suppression activities of the fire department of a type which the board by regulation finds have been traditionally and customarily performed by employees of fire departments in the State of Georgia, including, without limitation, the activities of administrative personnel within the department, mechanics whose primary duties are the maintenance and repair of fire-fighting equipment and apparatus, operating engineers whose primary duties are the operation of fire-fighting equipment and apparatus, communications and clerical personnel, and fire prevention and fire inspection personnel; provided, however, that such term shall not include persons whose primary responsibility is the performance of emergency medical services; or

(B) Appointed and regularly enrolled as a volunteer with a class nine fire department; who, as a volunteer firefighter, has and primarily performs the principal responsibility of preventing or suppressing fires; and who satisfies the requirements specified in subparagraph (a)(1)(D) of Code Section 25-3-23."

SECTION 2.

Said title is further amended by inserting at the end of Code Section 47-7-40, relating to eligibility to apply for membership in the Georgia Firefighters' Pension Fund, the following:

"(c) On and after July 1, 2006, the membership, assets, and administration of the Georgia Class Nine Fire Department Pension Fund created by Chapter 7A of this title shall be transferred to this pension fund, and the Georgia Class Nine Fire Department Pension Fund shall cease to exist as a separate entity. All members so transferred shall receive creditable service for all service credited under such retirement system and shall be entitled to all rights and benefits accorded to members of this retirement system."

SECTION 3.

Said title is further amended by repealing in its entirety subsection (f) of Code Section 47-7-61, relating to the tax on premiums charged by fire insurance companies for certain classes of coverage, exclusions, and penalty for failure to report and pay such tax, which reads as follows:

"(f) Commencing with the fiscal year ending on June 30, 2001, at the end of each fiscal year, the board shall transfer to the Georgia Class Nine Fire Department Pension Fund created by Chapter 7A of this title an amount equal to the tax revenues collected by the board pursuant to this Code section with respect to gross premiums on policies covering property served by public fire suppression facilities which are rated as class nine under the Fire Suppression Rating Schedule or a rating which the board determines is its substantial equivalent."

SECTION 4.

Said title is further amended by striking in its entirety Code Section 47-7-86, relating to creditable service for other pension fund participation for members of the Georgia Class Nine Fire Department Pension Fund, and inserting in lieu thereof the following:

"47-7-86.

~~(a) Any former member of the Georgia Class Nine Fire Department Pension Fund created by Chapter 7A of this title who becomes a member of this pension fund shall be entitled to receive creditable service for the time he or she was a member of such other pension fund as provided by this Code section. Upon request, the Board of Trustees of the Georgia Class Nine Fire Department Pension Fund shall transfer to the board of trustees of this pension fund the full amount of dues paid by such member while he or she was a member of such other pension fund.~~

~~(b) Any member receiving creditable service under this Code section shall receive creditable service in this pension fund equal to the number of years of his or her membership in the Georgia Class Nine Fire Department Pension Fund.~~

~~(c) Upon retirement, a member who receives creditable service under this Code section and who is otherwise eligible to receive a retirement benefit under this pension fund shall have a vested right in and to a monthly benefit payable for the member's lifetime equal the sum of:~~

~~(1) A pro rata amount of the maximum monthly retirement benefit in effect on the date of such termination of service, which amount shall be determined by the ratio of years of membership in this pension fund to 25 years; and~~

~~(2) A pro rata amount of the maximum monthly retirement benefit provided in Chapter 7A of this title in effect on the date of such termination of service, which amount shall be determined by the ratio of years of membership in such pension fund to 25 years. Reserved."~~

SECTION 5.

This Act shall become effective on July 1, 2006, only if it is determined to have been concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not become effective and shall be automatically repealed in its entirety on July 1, 2006, as required by subsection (a) of Code Section 47-20-50.

SECTION 6.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	E Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Scheid
Y Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	E Scott, M
Y Barnard	Y Dean	Y Houston	E McClinton	Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	Y Millar	Y Sheldon
E Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Y Drenner	Y Jackson	E Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Y Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
Bordeaux	Y England	Y Jamieson	Mosby	Y Smith, L
Y Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	E Floyd, J	Y Jones, S	Neal	Y Smyre
Y Bryant	Y Fludd	Y Jordan	Y Oliver	E Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Burns	Y Geisinger	Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Lane, B	Y Powell	Y Tumlin
Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson

Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Willard
Y Coan	Y Heard, J	Y Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Y Cooper	Y Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 160, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

Representative Knox of the 24th and Lane of the 158th stated that they had been called from the floor of the House during the preceding roll call. They wished to be recorded as voting "aye" thereon.

The Speaker assumed the Chair.

HB 357. By Representative Cummings of the 16th:

A BILL to be entitled an Act to amend Chapter 7A of Title 47 of the Official Code of Georgia Annotated, relating to the Georgia Class Nine Fire Department Pension Fund, so as to increase the maximum monthly retirement benefit; to provide conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	E Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
Y Anderson	Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	E McClinton	Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	Y Millar	Y Sheldon
E Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Benfield	Y Drenner	Jackson	E Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Y Sinkfield
Y Black	Ehrhart	James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Y Mosby	Smith, L
Y Borders	Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T

Y Brown	Y Floyd, H	Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	E Floyd, J	Jones, S	Y Neal	Smyre
Y Bryant	Y Fludd	Y Jordan	Y Oliver	E Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Y Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Williams, R
Coleman, T	Y Hembree	Y Mangham	Y Rogers	Wix
Y Cooper	Y Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, the ayes were 155, nays 0.

The Bill, having received the requisite constitutional majority, was passed.

Representatives Jones of the 46th, Knox of the 24th and Wix of the 33rd stated that they had been called from the floor of the House during the preceding roll call. They wished to be recorded as voting "aye" thereon.

HB 660. By Representatives Cummings of the 16th, Bridges of the 10th and Yates of the 73rd:

A BILL to be entitled an Act to amend Chapter 7 of Title 47 of the Official Code of Georgia Annotated, relating to the Georgia Firefighters' Pension Fund, so as to provide for creditable service in the fund for certain active military duty; to provide for the calculation of creditable service on a monthly basis; to amend Chapter 7A of Title 47 of the Official Code of Georgia Annotated, relating to the Georgia Class Nine Fire Department Pension Fund, so as to provide for creditable service in the fund for certain active military duty; to provide for the calculation of creditable service on a monthly basis; to provide conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To amend Chapter 7 of Title 47 of the Official Code of Georgia Annotated, relating to the Georgia Firefighters' Pension Fund, so as to provide for creditable service in the fund for certain active military duty; to provide for the calculation of creditable service on a monthly basis; to amend Chapter 7A of Title 47 of the Official Code of Georgia Annotated, relating to the Georgia Class Nine Fire Department Pension Fund, so as to provide for creditable service in the fund for certain active military duty; to provide for the calculation of creditable service on a monthly basis; to provide conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 7 of Title 47 of the Official Code of Georgia Annotated, relating to the Georgia Firefighters' Pension Fund, is amended by inserting at the end of Article 5, relating to service creditable toward retirement, two new Code sections to read as follows:

"47-7-88.

(a) The provisions of this Code section apply solely to any member of the fund who left active employment as a firefighter as a result of being called to active duty as a member of the Army or Air Force National Guard or the Army, Air Force, Navy, or Marine Corps Reserve and who returned to employment as a firefighter upon being released from such active duty.

(b) Any member of the fund shall be entitled to receive creditable service for a period of break in service due to being called to active military duty. To receive such creditable service, a member must make application to the board and pay the normal monthly dues for each month of such period of break in service not later than one year following the member's release from active duty and return to employment.

47-7-89.

The board is authorized to calculate creditable service on a monthly basis, expressed as a fraction of a year, for periods of time less than a year."

SECTION 2.

Chapter 7A of Title 47 of the Official Code of Georgia Annotated, relating to the Georgia Class Nine Fire Department Pension Fund, is amended by inserting at the end of Article 5, relating to transferability, the following:

"47-7A-83.

(a) The provisions of this Code section apply solely to any member of the fund who left active employment as a firefighter as a result of being called to active duty as a member of the Army or Air Force National Guard or the Army, Air Force, Navy, or Marine Corps Reserve and who returned to employment as a firefighter upon being released from such active duty.

(b) Any member of the fund shall be entitled to receive creditable service for a period of break in service due to being called to active military duty. To receive such creditable service, a member must make application to the board and pay the normal monthly dues for each month of such period of break in service not later than one year following the member's release from active duty and return to employment.

47-7A-84.

The board is authorized to calculate creditable service on a monthly basis, expressed as a fraction of a year, for periods of time less than a year."

SECTION 3.

This Act shall become effective on July 1, 2006, only if it is determined to have been concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not become effective and shall be automatically repealed in its entirety on July 1, 2006, as required by subsection (a) of Code Section 47-20-50.

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	E Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
Y Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	E McClinton	Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	Y Millar	Y Sheldon
E Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Y Drenner	Y Jackson	E Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Y Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
Y Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	E Floyd, J	Jones, S	Y Neal	Smyre
Y Bryant	Y Fludd	Y Jordan	Y Oliver	E Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Parham	Y Talton
Y Burmeister	Y Gardner	Knight	Y Parrish	Y Teilhet

Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Y Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Y Cooper	Y Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 164, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

Due to a mechanical malfunction, the vote of Representative Channell of the 116th was not recorded on the preceding roll call. He wished to be recorded as voting "aye" thereon.

By unanimous consent, the House reconsidered its action in giving the requisite constitutional majority to HB 660.

The Committee substitute, having previously been read and adopted, was again taken up for consideration.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Martin	E Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
Y Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	E McClinton	Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	Y Millar	Y Sheldon
E Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Y Drenner	Y Jackson	E Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Y Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Jamieson	Y Mosby	Y Smith, L

Y Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	E Floyd, J	Y Jones, S	Y Neal	Smyre
Y Bryant	Y Fludd	Y Jordan	Y Oliver	E Stanley-Turner
Y Buckner, D	Y Forster	Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Y Lucas	Y Reese	Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Y Cooper	Y Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 162, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

Representative Loudermilk of the 14th stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "aye" thereon.

HB 344. By Representative Cummings of the 16th:

A BILL to be entitled an Act to amend Code Section 47-7-101 of the Official Code of Georgia Annotated, relating to eligibility for retirement benefits under the Georgia Firefighters' Pension Fund, withdrawal of application for benefits before approval, and reemployment, so as to provide that the benefits of a firefighter who returns to service after retirement may exceed his or her previous benefit after he or she has acquired one year's service after such reemployment; to provide conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	E Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
Y Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	E McClinton	Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	Y Millar	Y Sheldon
E Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Drenner	Y Jackson	E Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Y Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Jamieson	Y Mosby	Y Smith, L
Y Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Jones, J	Murphy, Q	Y Smith, V
Y Bruce	E Floyd, J	Y Jones, S	Y Neal	Smyre
Y Bryant	Y Fludd	Y Jordan	Y Oliver	E Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Y Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Y Cooper	Y Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, the ayes were 165, nays 0.

The Bill, having received the requisite constitutional majority, was passed.

The following Resolutions of the House were read and adopted:

HR 1125. By Representatives Drenner of the 86th and Henson of the 87th:

A RESOLUTION remembering and honoring the life of Mr. William Doyle Harrell II; and for other purposes.

HR 1126. By Representatives Henson of the 87th and Benfield of the 85th:

A RESOLUTION commending Theatre Decatur; and for other purposes.

HR 1127. By Representatives Setzler of the 35th, Ehrhart of the 36th and Manning of the 32nd:

A RESOLUTION commending the Kennesaw Youth Council and the Acworth Youth Council; and for other purposes.

Representative Mills of the 25th District, Chairman of the Committee on Banks and Banking, submitted the following report:

Mr. Speaker:

Your Committee on Banks and Banking has had under consideration the following Bill of the House and has instructed me to report the same back to the House with the following recommendation:

HB 864 Do Pass, by Substitute

Respectfully submitted,
/s/ Mills of the 25th
Chairman

Representative Willard of the 49th District, Chairman of the Committee on Judiciary, submitted the following report:

Mr. Speaker:

Your Committee on Judiciary has had under consideration the following Bills of the House and has instructed me to report the same back to the House with the following recommendations:

HB 494 Do Pass
HB 716 Do Pass, by Substitute
HB 989 Do Pass

Respectfully submitted,
/s/ Willard of the 49th
Chairman

The Speaker announced the House in recess until 5:00 o'clock, P.M., at which time the House will stand adjourned until 10:00 o'clock, tomorrow morning.